

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,) 4:11CR3125
)
)
 v.)
)
)
JUSTIN R. LEWIS,) MEMORANDUM AND ORDER
)
)
 Defendant.)

The defendant's trial, originally scheduled for February 27, 2012, was cancelled because the defendant stated he wanted to enter a change of plea. The change of plea hearing was set and has been continued several times bringing us to the hearing set for May 2, 2012. At the scheduled plea hearing, the court conferred with counsel and with the defendant, and was advised the plea negotiations had stalled and the defendant wanted to proceed to trial.

At the defendant's request, the court will set this matter for trial. After conferring with the defendant and his counsel, and with the defendant's consent, the time between May 11, 2012 and May 14, 2012 will be excluded with the defendant's consent because the parties now need to prepare for trial. Accordingly,

IT IS ORDERED:

- 1) Trial is set to begin at 9:00 a.m. on May 14, 2012, for a duration of four trial days before the before the Honorable Richard G. Kopf in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be at the commencement of trial.
- 2) The time between May 11, 2012 and May 14, 2012, shall be deemed excludable time in any computation of time under the requirements of the

Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case for trial, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

May 2, 2012.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge